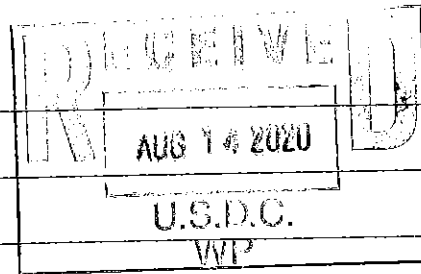


To: Honorable (Kenneth M. Karas)
 United States District Court
 Southern District Court of New York,
 300 Quarropas Street,
 White Plains, NY 10601



7/28/20
 (2 of 2)

(MOTION)

- RECONSIDERATION -

From: Mr. Naseem Bonie, (#1541872)
 Green Haven Correctional Facility
 P.O. Box # 4000,
 Stormville, NY 12582

MEMO ENDORSED

Re: (BONIE v. ANNUCCI #20-CV-640 (KMK))

Dear Judge (Karas):

I (Mr. Naseem Bonie) am asking ~~you~~^(us) for you to reconsider your (Denial) of (Plaintiff) myself (Preliminary Injunction - Temporary Restraining Order). I "Plaintiff" did *EXHAUST* my administrative remedies and (Defendants) were not prejudiced by this exhaustion due to the following:

① DAVIS v. FRAZIER, No. 98 Civ. 2658 (HB), 1999 U.S. Dist. LEXIS 8911, at "9-10 (S.D.N.Y. Jun 10, 1999) (unpublished) (citing State of New York, - Department of Correctional Services, Directive No. 3375R, which states that complaints about Alleged Assaults or verbal Harassment and matters under investigation by the Inspector General are non-grievable).

I (Plaintiff) did do the correct action by filing my (Preliminary Injunction) due to my grievance about me being assaulted was already fully - Exhausted. Also, (Marcelle v. Dep't of Corr., No. 07 Civ. 9665, 2008 U.S. Dist. LEXIS 60895, at "9 (S.D.N.Y. July 30, 2008) (stating that prisoners "may overcome the exhaustion- requirement only if they are able to show either -

(pg #2 of 2)

1) that administrative remedies were not actually 'available' to them; (2) that defendant should be estopped from raising plaintiff's failure to exhaust as in affirmative defense or (3) that special circumstances exist that excuse plaintiff's non-compliance with official procedural requirements.")

I (plaintiff) have made a clear showing that my grievances were fully exhausted due to these case laws and also "Special Circumstances" exist due to Defendant) "Sergeant: COBB" being the "GRIEVANCE OFFICER" during the time of this Assault and prior assaults. The (Defendants) are using the "Exhaustion" Requirement when they already in fact knew (Assaults) by Staff were "NON-GRIEVABLE" and fully exhausted. So given that I have provided your Honor with the *Exhaustion* Requirement being fully complied with I ask for you to (Re-Open) my recent (July 21st, 2020) decision. Thank You and have a great day!

Defendants are to file a response to this Motion by no later than September 1, 2020. Plaintiff may file a reply by September 15, 2020.

Counsel for Defendants is directed to mail a copy of this memo endorsement to Plaintiff and to certify that she did so on the docket.

SO ORDERED

KENNETH M. KARAS U.S.D.J.

Respectfully

(PRO-SE)

August 18, 2020

1st Infantry Division, IRAK, Germany)

c:File

7/27/20

To: Honorable (Kenneth M. Karas)
 United States District Court
 Southern District of New York,
 300 Quarropes Street,
 White Plains, NY 10601

(pgs 1 of 1)
 + (2-pg "Attachment")

* Request Judicial Intervention
 - Temporary Restraining Order -

From: Mr. Naseem Banie, (#15A1872)
 Green Haven Correctional Facility
 P.O. Box # 4000,
 Stormville, NY 12582

Re: (Banie v. Annucci #20-CV-640 (KMK))

Per, (Judge: KARAS)

Hello, my name is "Mr. Banie" and I would like to (ADD) witnesses to my recent (T.R.O) application against (OFFICER: Papadopolis). Recently on (7/27/20) "Mr. BOB SHAPIRO" a neighbor of mine in (cell #135) ~~was~~ was recently Assaulted by (OFFICER: Papadopolis). "Mr. Shapiro" is a very elderly man who can barely walk without assistance & a cane, was punched in his face by (OFFICER: Papadopolis) on (7/27/20). The (Defendants) in my case thru there (Attorney) continue to dispute my (ABUSE) by stating it never happened. I am following all the rules obeying the laws of the land but the officers here are disregarding every law, not truly investigating and hiding evidence! I am being "Fully Transparent" with nothing to hide, even my rectum still is in pain from (OFFICER: Papadopolis) and he still holds a job as a "Peace Officer". I am in need of your assistance in this urgent manner!

Respectfully

* (1st Infantry Division, IRAQ)

To: Grievance Department
Green Haven Correctional Facility

P.O. Box # 4000,
Stormville, NY 12582

(*Exhibit # T0)
#1 of 2

7/27/20
(pg # 1 of 2)

From: Mr. Niscan Barile, (#1541872)
Green Haven Correctional Facility
P.O. Box # 4000,
Stormville, NY 12582

(* Assault, (ABUSE), & -
Denial of Medical-Care! *)
* Creating A Negative Environment! *)
* RACISM *

* Incident Date *: (7/27/20 & ON-GOING) "7am-3pm, Shift"
* Grievance Against *: (Commissioner: "ANTHONY ANNUNCI", Superintendent -
"ROYCE", Deputy of Security "RUSSO", Deputy of Medical-Department,
Officer: Papadopolis and All others working in E-Block during time frame).
& Nurse: Miller!

Dear, Sir or Madam:

Hello, my name is "Mr. Barile" and on (7/27/20) returning from "Law Library" I was told to wait on #4-Company on the 1st floor with other prisoners returning from "Law Library"! We were told by "(Officer: Papadopolis)" "Male, Caucasian, OBESE" to wait on (#4-Company). I thought that was very unusual due to there being "NO-Security" reasons as to "why?"! I was recently assaulted by "(Officer: Papadopolis)" and have commenced "Legal Action" against this officer. After about (10 minutes) we were told by "Officer: Papadopolis" to then go upstairs to - (#2-Company)! I entered my cell (#232) and was told by (#135) cell "Mr. Bob Shapiro" that he needed to see (Medical Attention)!

(Exhibit # TO)
#208r

(pg #2 of 2)

I asked him "What was wrong?", he replied "I am Bleeding from my mouth because (Officer: Papadopolis) opened my cell and punched me in my face!" I could not believe that (Officer: Papadopolis) after being under investigation by (DOCS - "OSI") and still being investigated would continue to (ASSAULT) Prisoners especially "Mr. BOB Shapiro" a very weak and Elderly man who even walks with assistants at a cane. Protest (WORLD-WIDE)* to END "Police Violating People by Assaulting them & Killing them"! (Nurse: Miller) "Tall, female, African-American" refused to take photos of "Mr. Bob Shapiro" face! I and several prisoners saw his face a Big Gash & Swollen under his left Eye and lip - swollen! (Officer: Papadopolis) then came to "Mr. Shapiro" cell and told him "I did not hit you, tell them medical that"! But "Mr. Shapiro" announced it very loud and clear "You did punch me in the face, you opened my cell took my sheet down and hit me in my face, because your Racist and I told you that too your face"! Then he was escorted to Medical, "Mr. Shapiro" was already (Keplucked) and the policy is to "Video Record" his movement with a Escort everytime his cell is opened.

"Where are the Body Cameras for (Officer: Papadopolis) on 7/27/20?"

"When (Mr. Shapiro) entered into medical where are the camera footage recording his face?"

"At lunch-time at NOON, where is the Body Cameras from the Area-Supervisor

"Why did they refuse to take photos of (Mr. Bob Shapiro)?"

(Officer: Papadopolis) continues to work and especially in (E-Block) assaulting prisoners. This has to be stopped immediately and this officer Arrested

F.K

(My Attorneys)

(NY "Attorney General")

(NY "Governor: Cuomo") / ETC!

Respectfully

* (1st Infantry Division, IRAQ, Germany)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
)ss:
COUNTY OF DUTCHESS)

Mr. Nasean Bente, being duly sworn, deposes and says:

I am the above-mentioned defendant/petitioner and I have served a copy of the following papers:

MOTION - (Reconsideration) "7/28/20" & -

Request Judicial Intervention (T.R.O), -
*Exhibit # TO (pg #1 of 2 & 2 of 2) !

Upon the following party(ies):

Honorable: (Kenneth M. Lewis)
United States District Court,
Southern District of New York,
300 Queens street,
White Plains, NY 10601

~~_____~~
~~_____~~
~~_____~~
~~_____~~

By placing the above in a post-paid envelope and depositing it in a United States Postal Service mailbox located at Green Haven Correctional Facility, Stormville, NY 12582 on the 29 day of July, 2020, as due and sufficient service.

Mr. Nasean Bente (#15A1872)

Sworn to before me this

29th day of JULY, 2020

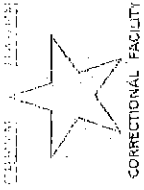
Elizabeth Perez-Colon
NOTARY PUBLIC

ELIZABETH PEREZ-COLON
NOTARY PUBLIC-STATE OF NEW YORK
No. 01PE6406912
Qualified in Dutchess County
My Commission Expires 04-20-2024

GREEN HAVEN CORRECTIONAL FACILITY
P.O. BOX 4000
STORMVILLE, NEW YORK 12582-4000

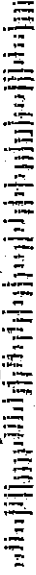
NAME: Mr. Naseem Bani'e DIN: #15A1872

NEOPOST
07/30/2020
FIRST-CLASS MAIL
USPS®
\$000.65



ZIP 12582
041M11466608

Honorable: (Kenneth M. Karas)
United States District Court
Southern District of New York,
300 Quarropas Street,
White Plains, NY 10601



MAIL

Printed on Recycled Paper

NEW YORK STATE
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
OFFENDER CORRESPONDENCE PROGRAM
NAME: Mr. Naseem Bani'e DIN: #15A1872